

Application No.: 10/688745  
Docket No.: CL2314USNA

Page 5

### REMARKS

Claims 1, 2, 5, 9, 11, 14, 16, 17, 19, and 23 are pending in this application.

The present claim amendments are made in response to Final office action dated 4 October 2006.

The Applicants acknowledge the Examiner's withdrawal of the 35 U.S.C §112, second paragraph rejection to Claim 5 in view of the Applicants' amendments to the claims filed 11 June 2006.

The Applicants acknowledge the Examiner's withdrawal of the 35 U.S.C §112, first paragraph rejection to Claims 1, 2, 5, 9, 11, 14, 16, 17, 19, and 23 in view of the Applicants' amendments to the claims filed 11 June 2006.

#### Rejections Under 35 U.S.C. §112, second paragraph

The Examiner has rejected Claims 1, 2, 5, 9, 11, 14, 16, 17, 19, and 23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Specifically, the Examiner believes the phrase "nucleic acid molecule encoding a polypeptide having hydroxycinnamoyl CoA hydratase/lyase activity selected from the group consisting of SEQ ID NOs, 5, 58, 59, 60, 62, 63, and 64" renders the claim vague and indefinite as it is not clear if the Applicants are referring to amino acid sequences or nucleotide sequences. Dependent claims 2, 5, 9, 11, 14, and 16 are also rejected because they do not correct the defect of claim 1. The Examiner further suggests that the defect can be overcome by amending the claims to specifically indicate that the sequences are nucleic acid molecules.

The Examiner has rejected Claim 14 as vague as it is unclear as the phrase "nucleic acid molecule encoding a polypeptide having UDP-glucosyltransferase activity selected from the group consisting of SEQ ID NOs: 65, 66, and 67" actually refers to amino acid sequences or nucleotide sequences. Dependent claims 19 and 23 are also rejected because they do not correct the defect of claim 17.

Application No.: 10/688745  
Docket No.: CL2314USNA

Page 6

**Applicants' response:**

The Applicants would like to first acknowledge that claims 19 and 23 are dependent upon independent claim 17 and not dependent upon rejected claim 14. The rejection is directed to the phrase found in claim 14. The Examiner has not provided a specific rejection to claim 17. As such, the Applicants believe that claim 17 and dependent claim 19 are allowable.

Claims 1, 14, and 23 have been amended to more clearly define the invention. Support for the claim amendments can be found throughout the specification and especially in paragraphs [0024] of the corresponding U.S. Patent publication (US 20050086712 A1; published April 21, 2005) and in original claims 9 and 11. The present claim amendments do not introduce any new matter nor do they substantively touch on the merits of the patent application. Thus, Applicants request that the amendments be entered. In view of the amendments, which Applicants submit provide clarity as to the claimed subject matter, Applicants request that the rejection under 35 U.S.C. §112, second paragraph as it applies to Claims 1, 2, 5, 9, 11, 14, 16, 17, 19, and 23, be withdrawn.

**Claim Rejections Under 35 U.S.C. §112, First Paragraph**

The Examiner has rejected Claims 1, 2, 5, 9, 11, 14, 16, 17, 19, and 23 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner believes the claims are assumed to encompass **any** nucleic acid encoding any 4-hydroxycinnamoyl CoA hydratase/lyase of **any** amino acid sequence and structure and **any** nucleic acid encoding any UDP-glucosyltransferase of **any** amino acid sequence and structure [emphasis added].

**Applicants' Response:**

The Applicants' respectfully disagree and traverse the rejection. The Applicants would like to bring to the Examiner's attention the non-final office action dated 23 February 2006, the Applicants' response filed on 11 June 2006, and the Examiner's acknowledgement on page 2 of the present office action that the claim

Application No.: 10/688745

Docket No.: CL2314USNA

Page 7

amendments submitted by the Applicants on 11 June 2006 were sufficient to overcome this basis of rejection.

The Examiner states on page 5 of the non-final office action of 23 February 2006 that "the specification provides guidance and working examples for an HCHL expression cassette of SEQ ID NO: 30 (Example 3); a tissue specific promoter of SEQ ID NOs: 26, 43, 44, 45, 46, 49, 81, 82, and 83 (Examples 4, 6-9), a nucleic acid molecule encoding a 4-hydroxycinnamoyl CoA hydratase/lyase (HCHL) of SEQ ID NOs: 5, 6, 58, 59, 60, 61, 62, 63, and 64 (Examples 1-2, 8, and 9); and para-hydroxybenzoic acid UDP-glucosyltransferase of SEQ ID NOs: 65, 66, and 67." The Applicants acknowledged the Examiner's comments in their office action response filed 11 June 2006 and amended the rejected claims accordingly. The Examiner indicates on page 2 of the present final office action that the 35 U.S.C. §112, first paragraph rejection to claims 1, 2, 5, 9, 11, 14, 16, 17, 19, and 23, for lack of enablement, was withdrawn in view of the Applicants' claim amendments filed 11 June 2006. The claim amendment of 11 June 2006 introduced the specific structures as defined by their SEQ ID NOs, which are fully enabled by the description and which Applicants have demonstrated possession of at the time of filing. Clearly, the amended claims provided in the Applicants' 11 June 2006 response do not encompass **any** nucleic acid encoding any 4-hydroxycinnamoyl CoA hydratase/lyase of **any** amino acid sequence and structure and **any** nucleic acid encoding any UDP-glucosyltransferase of **any** amino acid sequence and structure [emphasis added].

Applicants submit that the claims, as previously amended, have been acknowledged by the Examiner to be fully enabled, and do in fact meet the written description requirement, as the Examiner stated they would, at the bottom of page 4 of the 23 February 2006 Office Action, if amended to recite specific SEQ ID NOs. In view of those statements and the remarks herein, Applicants submit that this rejection has been overcome.

Based on these Amendments and remarks, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, for lack of written description

Application No.: 10/688745  
Docket No.: CL2314USNA

Page 8

be withdrawn. If the Examiner disagrees, Applicants request that the finality of this rejection be withdrawn, and the Examiner provide a basis for maintaining the rejection in view of the previous amendments.

### Conclusion

In view of the foregoing, Applicants respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Final Office Action and, as such, the present application is in condition for allowance. Therefore, allowance of the above-referenced application is respectfully requested. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,



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